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Legal help gets bond returned to renter stuck in cross border quandary

A renter deserving his rental bond back was caught in a cross border dilemma with nowhere to turn for help, until HRCLS stepped in with free legal assistance. Richard* had been paying rent for a place which had no electricity for nine months.

This occurred after he was not at the property for a period of time, as he helped a friend who had cancer. Despite this, he continued to pay rent for the property.

When Richard returned to live at home, he discovered the electricity had been turned off because the bills hadn't been paid. He paid the bills in full but was notified the electricity could only be turned back on after an electrician had inspected the electrical status of the home. This was due to the length of time the power had been disconnected.

The electrician did the inspection but would not sign off on the property due to safety concerns. His view was the property could catch fire any moment – due to the poor condition of the wiring in the place.

Richard was then served a Notice to Vacate due to the fact the electrical work had to take place. The landlord told Richard he planned to sell the property, which he was allowed to do due to the new COVID amendments to Victorian tenancy laws. However the service supporting Richard found out the property was put back on the rental market not long after the electrical re-wiring had been completed.

While Richard accepted he had needed to move out, he did not get his bond returned. On behalf of Richard, the service had asked for the bond to be returned on multiple occasions, but the landlord did not comply with these requests.

Muddying the waters was the fact the property was in Victoria but the landlord lived in NSW. This meant the Victorian Civil Administrative Tribunal did not have jurisdiction to hear the matter.

Richard was then referred to HRCLS by a local support service.

HRCLS sought advice from Tenants Victoria and law firm Clayton Utz and they confirmed the only course of action was to pursue the Bond as a civil

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matter through the Victorian Magistrates' Court if a Letter of Demand was not successful.

A letter was sent to the landlord demanding that Richard's bond was returned, as per the agreement which the landlord signed. This letter the landlord demanding the return of Richard's bond was ultimately successful.

Richard received his bond back and is now living in a new rental property which he enjoys.

*not client's real name